

19870922

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF

TUESDAY, SEPTEMBER 22, 1987

AT 9:00 A.M.

IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor O'Connor at 10:25 a.m. The meeting was recessed by Mayor O'Connor at 11:58 a.m. to reconvene at 2:00 p.m.

The meeting was reconvened by Mayor O'Connor at 2:06 p.m. with Council Members Struiksma, Gotch, and Ballesteros not present. Mayor O'Connor recessed the meeting at 2:27 p.m. to meet as the Housing Authority. Mayor O'Connor reconvened the meeting at 2:30 p.m. with Council Member Struiksma not present. Mayor O'Connor recessed the meeting at 3:51 p.m. to meet as the Special Joint Council Meeting with the Redevelopment Agency and as the Redevelopment Agency. Mayor O'Connor reconvened the meeting at 4:45 p.m. with Council Members Cleator and Struiksma not present to adjourn the regular meeting at 4:45 p.m. into closed session on a personnel matter.

ATTENDANCE DURING THE MEETING:

- (M) Mayor O'Connor-present
- (1) Council Member Wolfsheimer-present
- (2) Council Member Cleator-present
- (3) Council Member McColl-present
- (4) vacant
- (5) Council Member Struiksma-excused by R-269440
(City business in London, England)
- (6) Council Member Gotch-present
- (7) Council Member McCarty-present
- (8) Council Member Ballesteros-present
- Clerk-Abdelnour (mp;eb)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor O'Connor-present
- (1) Council Member Wolfsheimer-present
- (2) Council Member Cleator-present
- (3) Council Member McColl-present

- (4) vacant
- (5) Council Member Struiksma-not present
- (6) Council Member Gotch-present
- (7) Council Member McCarty-present
- (8) Council Member Ballesteros-present

ITEM-330: CONTINUED TO OCTOBER 13, 1987, 10:00 A.M. TIME CERTAIN

Matters of:

- 1) Appeal of Goodwill Industries, by Michael S. Rowan, from the decision of the Historical Site Board to designate the Regal/Anita (RAID) Hotels as part of the Chinese/Asian Thematic Historic District. The subject property is located at 416-422 Fourth Avenue.
- 2) Appeal of Charles P. Tyson, by Maria Burke Lia, attorney, from the decision of the Historical Site Board to designate the Chinese Mission Building as a part of the Chinese/Asian Thematic Historic District. The subject property is located at 643-645 First Avenue.
- 3) Concurring with the Historical Site Board's designation of the Chinese/Asian Thematic Historical District and its recommendation that the District be submitted to the National Register of Historic Places.
(District-8.)

Subitem-A: (R-88-)

Adoption of a Resolution approving or denying the appeal and the historical designation for the Regal/Anita (RAID) Hotels with appropriate findings to support Council action.

Subitem-B: (R-88-)

Adoption of a Resolution approving or denying the appeal and the historical designation for the Chinese Mission Building with appropriate findings to support Council action.

Subitem-C: (R-88-)

Adoption of a Resolution approving the historical designation of the Chinese/Asian Thematic District.

FILE LOCATION: GEN'L - Historical Site Board

COUNCIL ACTION: (Tape location: A015-032.)

Hearing began at 10:28 a.m. and halted at 10:29 a.m.

MOTION BY BALLESTEROS TO CONTINUE TO OCTOBER 13, 1987, 10:00 A.M.

TIME CERTAIN AT RON BUCKLEY'S REQUEST FOR TIME TO COMPLETE THE

REPORT. Second by Wolfsheimer. Passed by the following vote:

Wolfsheimer-yea, Cleator-yea, McColl-yea, District 4-vacant,

Struiksma-not present, Gotch-yea, McCarty-not present,
Ballesteros-yea, Mayor O'Connor-yea.

ITEM-331: (R-88-394) ADOPTED AS RESOLUTION R-269304

Considering the protests and confirming the assessment in the matter of paving and otherwise improving the Alley in Block 35, Del Mar Heights, on Assessment Roll No. 3988, under Resolution of Intention R-263832, adopted August 12, 1985. (1911 Street Improvement Act.)
(Del Mar Heights Community Area. District-1.)

CITY MANAGER REPORT: The construction contract for the improvement of the Alley in Block 35, Del Mar Heights was awarded by Council on February 17, 1987. The work has now been completed and the assessments have been spread, based on the final project costs and in proportion to the benefit each parcel receives. This Public Hearing will confirm the assessments and complete the proceedings for this project.

The proposed assessments are the same as the estimated assessments given to the property owners at the time that the construction contract was awarded, which was approximately 20 percent higher than the estimated assessments given to the property owners at the time of the Public Hearing in December 1985.

FILE LOCATION: STRT - D-2222

COUNCIL ACTION: (Tape location: A033-044.)

Hearing began at 10:29 a.m. and halted at 10:30 a.m.

MOTION BY WOLFSHEIMER TO CLOSE THE HEARING AND ADOPT THE RESOLUTION. Second by Cleator. Passed by the following vote: Wolfsheimer-yea, Cleator-yea, McColl-yea, District 4-vacant, Struiksma-not present, Gotch-yea, McCarty-yea, Ballesteros-yea, Mayor O'Connor-yea.

ITEM-332:

- 1) Rezoning all of Lots 10, 11 and 12 and portions of Lots 1, 2 and 3 in Block 201 and all of Lots 7 through 12 and portions of Lots 1 through 6 in Block 206, all of Middletown according to the partition map thereof made by J. E. Jackson, from Zone R-1000 to Zone CA. The subject property is a 1.5-acre site, located on the west side of San Diego Avenue between Wright and Noell Streets, in the Uptown Community Plan area; and
- 2) Amending the Uptown Community Plan to change the designation of the above described real property from Medium Density Residential (15-44 dwelling units per acre) to Specialized Commercial.

(Case-86-1057. District-2.)

Subitem-A: (R-88-174) ADOPTED AS RESOLUTION R-269305

Adoption of a Resolution certifying that the information contained in Environmental Mitigated Negative Declaration EMND-86-1057 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said declaration has been reviewed and considered by the Council.

Subitem-B: (O-88-18) INTRODUCED, TO BE ADOPTED OCTOBER 12, 1987

Introduction of an Ordinance for CA Zoning.

Subitem-C: (R-88-354) ADOPTED AS RESOLUTION R-269306

Adoption of a Resolution approving the Community Plan.

FILE LOCATION: ZONE ORD NO.

COUNCIL ACTION: (Tape location: A042-071.)

Hearing began at 10:30 a.m. and halted at 10:33 a.m.

MOTION BY CLEATOR TO CLOSE THE HEARING, ADOPT THE RESOLUTIONS AND

INTRODUCE THE ORDINANCE. Second by Ballesteros. Passed by the following vote: Wolfsheimer-yea, Cleator-yea, McColl-yea, District 4-vacant, Struiksma-not present, Gotch-yea, McCarty-yea, Ballesteros-yea, Mayor O'Connor-yea.

ITEM-333: TRAILED AS UNFINISHED BUSINESS TO SEPTEMBER 28, 1987

Rezoning Lots 12, 14, 29, 31 and 33 of Block 22 of Lexington Park, Map-1696, excepting therefrom the westerly 125 feet, from Zone MR-3000 to Zone MR-1500 and amending the San Diego Municipal Code relating to the Mid-City Planned District. The subject property (.347 acres) is located at 2412 Fairmount Avenue, in the Mid-City Community Plan area. (Case-87-0243. District-8.)

Subitem-A: (R-87-2483)

Adoption of a Resolution certifying that the information contained in Environmental Negative Declaration END-87-0243 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said declaration has been reviewed and considered by the Council.

Subitem-B: (O-87-217)

Introduction of an Ordinance for MR-1500 Zoning.

Subitem-C: (O-88-21)

Introduction of an Ordinance amending the San Diego Municipal Code relating to the Mid-City Planned District.

FILE LOCATION: ZONE ORD NO.

COUNCIL ACTION: (Tape location: A073-535.)

Hearing began at 10:33 a.m. and halted at 11:05 a.m.

Testimony in favor by V. Beights and William Cairo.

MOTION BY BALLESTEROS TO ADOPT THE RESOLUTION AND INTRODUCE THE ORDINANCES. Second by McCarty. Failed by the following vote:

Wolfsheimer-nay, Cleator-yea, McColl-nay, District 4-vacant, Struiksma-not present, Gotch-nay, McCarty-yea, Ballesteros-yea, Mayor O'Connor-nay.

(Note: Item is trailed as Unfinished Business due to lack of five yea or nay votes.)

MOTION BY McCARTY TO DIRECT THE CITY MANAGER TO REQUIRE ALL MANAGERIAL DEPARTMENTS WHO PARTICIPATE IN DECISIONS WHICH WILL AMEND A PLAN WITHIN AN INNER CITY COMMUNITY WHICH WILL RESULT IN

A

DEVELOPMENT HIGHER THAN WHAT IS CALLED FOR IN THE PLAN, TO MAKE A TIMELY CONTACT WITH THE COMMUNITY PLANNING DIVISION OF THE PLANNING DEPARTMENT TO ENSURE THAT A COORDINATED PACKAGE COMES

TO

COUNCIL AT THE SAME TIME. REPORT TO T&LU COMMITTEE WITH THE PROCESS DEVISED WITHIN THIRTY DAYS. Second by McColl. Passed by the following vote: Wolfsheimer-yea, Cleator-yea, McColl-yea, District 4-vacant, Struiksma-not present, Gotch-yea, McCarty-yea, Ballesteros-yea, Mayor O'Connor-yea.

ITEM-334:

Matter of a proposal to amend Chapter X (Planning and Zoning Regulations) of the San Diego Municipal Code by amending Division 5 by adding Development Standards and Regulations to large family day-care centers. Within these proposed regulations, a one-time administrative fee of \$100.00 will be proposed for cost recovery purposes.
(Citywide.)

Subitem-A: (R-87-2723) ADOPTED AS RESOLUTION R-269307

Adoption of a Resolution establishing a fee for LARGE FAMILY DAY CARE PERMITS in the amount of \$100.00.

Subitem-B: (O-87-257) INTRODUCED, TO BE ADOPTED OCTOBER
12, 1987

Introduction of an Ordinance amending the San Diego Municipal
Code.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A539-689.)

Hearing began at 11:05 a.m. and halted at 11:13 a.m.

Testimony in favor by Bernadette Probus.

MOTION BY McCOLL TO CLOSE THE HEARING, ADOPT THE RESOLUTION AND
INTRODUCE THE ORDINANCE. Second by Ballesteros. Passed by the
following vote: Wolfsheimer-yea, Cleator-yea, McColl-yea,
District 4-vacant, Struiksma-not present, Gotch-not present,
McCarty-yea, Ballesteros-yea, Mayor O'Connor-yea.

ITEM-335: (R-88-) REFERRED TO CITY MANAGER

(Continued from the meeting of August 4, 1987, Item 334, at
Council Member Wolfsheimer's request, for a report from the
City Manager regarding questions on fee ownership and the
possibility of a street vacation.)

Appeal of Victor and Irene Vilchek, from the decision of the
Board of Zoning Appeals in denying Case C-19446, a requested
fence variance. The subject property is described as Lots 6
& 7, Block 34 of Del Mar Heights Map-157, located at
2001 Cordero Avenue, in Zone R1-6000, in the Torrey Pines
Community Plan area. The applicants/appellants have
requested the variance to maintain:

- 1) 15' of chain link fence 6'3" high and 15' of solid fence
5'0" high in the 15' front yard, where 3'0" high solid fence,
with 3'0" high, 50% open fence on top is permitted within the
15' required front yard;
- 2) To maintain 93' of 5'0" high solid fence in the street
side yard where 3'0" high solid fence with 2'0" high, 50%
open fence on top is permitted within 10' street side yard;
and
- 3) To maintain 134'6" of maximum 9'3" high fence and gate
combination in the public right-of-way where 3'0" high solid
fence with 3'0" high, 50% open fence on top is permitted.

(Case C-19446. District-1.)

Adoption of a Resolution granting or denying the appeal and
the request for a variance with appropriate findings to
support Council action.

FILE LOCATION: ZONE - Zoning Appeals Case C-19446

COUNCIL ACTION: (Tape location: A689-B178.)

Hearing began at 11:13 a.m. and halted at 11:23 a.m.

MOTION BY WOLFSHEIMER TO REFER THE ITEM TO THE CITY MANAGER TO BE BROUGHT BACK AS A COMPANION ITEM WITH THE STREET VACATION.

RENOUNCE THE ITEM FOR A PUBLIC HEARING. Second by Cleator.

Passed by the following vote: Wolfsheimer-yea, Cleator-yea, McColl-yea, District 4-vacant, Struiksma-not present, Gotch-not present, McCarty-yea, Ballesteros-yea, Mayor O'Connor-yea.

ITEM-336:

(The Appeal of the map was continued from the meeting of July 14, 1987, Item 336, at Doug Garner's request, in order to have the item coincide with Council's hearing of the community plan and general plan amendments (East Elliott).

1) Appeal of Midwest Television, Inc., by Douglas Garner, from the decision of the Planning Commission denying Vesting Tentative Map TM-86-0575 (Mission Trails Subdivision), proposing a 33-lot subdivision on a portion of Lots 2-6, Block G, Fanita Ranch, Map-688, and portions of Tracts C and T, Rancho El Cajon, Map-262, (approximately 100 acres), located on the north side of Mission Gorge Road between Mast Boulevard and Father Junipero Serra Trail, in Zone R1-40000, in the East Elliott Community Plan area; and

2) An amendment to the East Elliott Community Plan (formerly called Elliott) on a portion of the above described real property west of Mast Boulevard and immediately north of Mission Gorge Road, to redesignate approximately 36.5 acres from open space to community commercial.

(TM-86-0575. District-7.)

19870922

Subitem-A: (R-88-637) ADOPTED AS RESOLUTION R-269308
DENYING APPEAL AND MAP

Adoption of a Resolution granting or denying the appeal and the map with appropriate findings to support Council action.

Subitem-B: (R-88-290) REFERRED TO PLANNING DEPARTMENT

Adoption of a Resolution denying the amendment to the community plan.

Subitem-C: (R-87-) FILED AS A RESULT OF DENYING APPEAL

Adoption of a Resolution certifying that the information contained in Environmental Impact Report EIR-86-0575 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and adopting

appropriate findings and the statements of overriding considerations pursuant to California Public Resources Code Section 21081, and that said report has been reviewed and considered by the Council.

(

Subitem C is to be adopted if the map and/or the amendment to the community plan are approved.)

FILE LOCATION:

Subitem-A,C: SUBD - Mission Trails;

Subitem-B: LAND - East Elliott Community Plan
COUNCIL ACTION: (Tape location: B180-C101.)

Hearing began at 11:23 a.m. and halted at 11:58 a.m.

Testimony in favor by Bob Myers and Doug Garner.

Testimony in opposition by Barbara Massey and Niall Fritz.

MOTION BY McCARTY TO CLOSE THE HEARING, APPROVE PLANNING DEPARTMENT'S AND PLANNING COMMISSION'S RECOMMENDATION TO DENY THE

APPEAL. DEFER ACTION ON THE AMENDMENT UNTIL THE COMMUNITY PLANNING PROCESS FOR ELLIOTT IS COMPLETED OR TWO YEARS, WHICHEVER COMES FIRST. DIRECT STAFF TO RESEARCH CITY'S RECORDS TO FIND OUT WHAT HAPPENED WITH THIS PROPERTY IN THE EARLY 1960s WITH RESPECT TO THE ZONING, AND TO KEEP THE NAVAJO PLANNING GROUP INVOLVED IN THE PLANNING PROCESS SINCE THE NAVAJO COMMUNITY IS DIRECTLY AND IMMEDIATELY IMPACTED BY WHATEVER HAPPENS IN THAT AREA,

ESPECIALLY

REGARDING TRAFFIC. Second by Ballesteros. Passed by the following vote: Wolfsheimer-yea, Cleator-nay, McColl-yea, District 4-vacant, Struiksma-not present, Gotch-not present, McCarty-yea, Ballesteros-yea, Mayor O'Connor-yea.

ITEM-337: REFERRED TO HOUSING COMMISSION

Four actions relative to a multiple street and alley vacation and slope and sewer easements abandonment:
(See City Manager Report CMR-87-441. Peninsula Community Area. District-2.)

Subitem-A: (R-88-457)

Vacating Banning Street, Famosa Boulevard, San Clemente Street, Yonge Street, Xenophon Street, and an alley adjacent to Blocks 1, 1A and 7 through 9 within Loma Alta Unit 1, Map-1078 and a portion of Pueblo Lot 206, under the procedure

for the summary vacation of streets.

Subitem-B: (R-88-464)

Vacating the City's interest in an unneeded sewer easement affecting a portion of Pueblo Lot 206, pursuant to Section 8300 et seq. of the Streets and Highways Code.

Subitem-C: (R-88-465)

Authorizing the sale by negotiation of a slope easement in Blocks 8 and 9 of Map-1078 and within a portion of Pueblo Lot 206 for the processing fee to the Housing Authority of the City of San Diego; grant deed, granting to the Housing Authority, all that portion of slope easement in Block 8 and 9 of Map-1078 and within a portion of Pueblo Lot 206; declaring that no broker's commission shall be paid by the City on the negotiated sale.

Subitem-D: (R-88-466)

Certifying that the information contained in Environmental Negative Declaration END-81-10-29, issued in connection with the development of a 4.94-acre site adjacent to Nimitz Boulevard, has been completed in compliance with the California Environmental Quality Act of 1970, as amended, and the State guidelines thereto, and that said Declaration has been reviewed and considered by the Council.

: See the Housing Authority Agenda of 9/22/87 for a companion item regarding Site 428.

FILE LOCATION:

Subitem-A STRT J-2661,

Subitems B, C, D --

COUNCIL ACTION: (Tape location: D060-260.)

Hearing began 2:11 p.m. and halted 2:27 p.m.

Council Member Ballesteros entered 2:12 p.m.

Testimony in favor of a continuance by Michael Pointer.

Testimony in opposition to a continuance by Paul Baldwin and Mr. Roberts.

MOTION BY WOLFSHEIMER TO REFER THE MATTER TO THE HOUSING COMMISSION FOR A HEARING ON OCTOBER 19, 1987, AT 10:00 A.M.

Second by Cleator. Passed by the following vote:

Wolfsheimer-yea, Cleator-yea, McColl-yea, District 4-vacant, Struiksma-not present, Gotch-not present, McCarty-yea, Ballesteros-yea, Mayor O'Connor-yea.

ITEM-338:

Rezoning the Northern 1/2 of the Western 1/2 of the Northeast 1/4 and a portion of the Easterly 1/2 of the Northeast 1/4 of the Northeast 1/4 of Pueblo Lot 1307 (approximately 6.65 acres), located west of and adjacent to I-805, between Eastgate Mall and La Jolla Village Drive, in the University Community Plan area, from Zone R1-5000 to Zone SR. (Case-86-0967. District-1.)

19870922

Subitem-A: (R-88-271) ADOPTED AS RESOLUTION R-269309

Adoption of a Resolution certifying that the information contained in Environmental Impact Report EIR-86-0967 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said report has been reviewed and considered by the Council.

Subitem-B: (O-88-32) INTRODUCED, TO BE ADOPTED OCTOBER 12, 1987

Introduction of an Ordinance for SR Zoning.

Subitem-C: (R-88-1180) ADOPTED AS RESOLUTION R-269310

Adoption of a Resolution containing appropriate findings of mitigation, feasibility or project alternatives and adopting the statement of overriding considerations pursuant to California Public Resources Code Section 21081 in connection with Environmental Impact Report EIR-86-0967.

FILE LOCATION: ZONE ORD NO.

COUNCIL ACTION: (Tape location: D353-389.)

Hearing began 2:34 p.m. and halted 2:36 p.m.

Testimony in favor by John Thelan.

MOTION BY WOLFSHEIMER TO ADOPT SUBITEMS A AND C AND INTRODUCE SUBITEM-B. Second by McCarty. Passed by the following vote:

Wolfsheimer-yea, Cleator-yea, McColl-yea, District 4-vacant, Struiksma-not present, Gotch-not present, McCarty-yea, Ballesteros-yea, Mayor O'Connor-yea.

ITEM-339: (R-88-133) ADOPTED AS RESOLUTION R-269311

Considering the protests and determining that is in the public interest to acquire 14.8 acres of Dove (Goldfinch) Canyon for the San Diego Open Space Park Facilities District No. 1, under Resolution of Intention R-268995, adopted August

3, 1987; authorizing the expenditure of not to exceed \$1,200,000 as payment for said property and related costs from Open Space Park District Bond Fund 79104; authorizing the City Manager to accept the deed to said property without further Council action.

(Uptown Community Area. District-2.)

CITY MANAGER REPORT: Dove (Goldfinch) Canyon in the Uptown Community, is part of Mission Valley Hillside, priority number 48, in Category C, on the Council's adopted open space retention list. This land, which consists of sixty-five parcels, totalling 14.8 acres, is located south of I-8, north of Washington Street, west of U.C.S.D. Medical Center. On September 15, 1986, Council approved an acquisition plan on these parcels, along with funds to have them appraised for purposes of acquisition for open space. Further, on June 1, 1987 Council established priorities for the acquisition plan which identified these parcels as the number three priority. This request is for \$1,200,000 to purchase these parcels at fair market value plus funds to cover title, escrow and other miscellaneous costs.

Aud. Cert. 8701026.

FILE LOCATION: STRT OS-1

COUNCIL ACTION: (Tape location: D390-E084.)

Hearing began 2:36 p.m. and halted 2:54 p.m.

Testimony in favor by John Lomac, Tess Wilcoxson, and Lee Platt.

Testimony in opposition by Tom Grondona, Paul Benton, and Mike Fors.

MOTION BY CLEATOR TO ADOPT. Second by Ballesteros. Passed by the following vote: Wolfsheimer-yea, Cleator-yea, McColl-yea, District 4-vacant, Struiksma-not present, Gotch-not present, McCarty-yea, Ballesteros-yea, Mayor O'Connor-yea.

Motion by Cleator to refer to the City Manager the 4 parcels on the list presented by Mr. Lomac for review. Second by Wolfsheimer. Passed by the following vote: Wolfsheimer-yea, Cleator-yea, McColl-yea, District 4-vacant, Struiksma-not present, Gotch-not present, McCarty-yea, Ballesteros-yea, Mayor O'Connor-yea.

ITEM-340: (R-88-135 Rev.2) ADOPTED AS AMENDED AS RESOLUTION
R-269312, CONTINUED SZEKELY PROPERTY
TO NOVEMBER 10, 1987

19870922

Considering the protests and determining that is in the public interest to acquire 6.88 acres of Uptown Albatross

Canyon for the San Diego Open Space Park Facilities District No. 1, under Resolution of Intention R-268990, adopted August 3, 1987; authorizing the expenditure of not to exceed \$1,700,000 as payment for said property and related costs from Open Space Park District Bond Fund 79104; authorizing the City Manager to accept the deed to said property without further Council action.

(Uptown Community Area. District-8.)

CITY MANAGER REPORT: Uptown's Albatross Canyon is identified as open space in the recently revised Uptown Community Plan Open Space and Recreation Element. Portions of the land are in "Uptown Canyons Addition C", priority number 82, in Category D, on the Council's adopted open space retention list. This land, which consists of twenty parcels, totalling 6.88 acres, is located easterly of Reynard Way and Curlew Street, from Spruce Street northerly to Pennsylvania. On September 15, 1986, Council approved an acquisition plan on these parcels, along with funds to have them appraised for purposes of acquisition for open space. Further, on June 1, 1987 Council established priorities for the acquisition plan which identified these parcels as the number six priority. This request is for \$1,700,000 to purchase these parcels at fair market value plus funds to cover title, escrow and other miscellaneous costs.

Aud. Cert. 8701032.

FILE LOCATION: STRT OS-22

COUNCIL ACTION: (Tape location: D300-309, F026-260.)

Hearing began 2:31 p.m. and recessed 2:33 p.m.

Motion by Ballesteros to continue one month to meet with Planning Group to look at project. No Second.

Testimony in opposition of a continuance by Rebecca Michaels.

The hearing was trailed to be taken in order of the docket.

Hearing resumed 3:30 p.m. and halted 3:50 p.m.

Testimony by Rebecca Michaels.

MOTION BY BALLESTEROS TO ADOPT AS AMENDED TO DELETE PARCELS 8, 9, AND 10, APPROVE ACQUISITION EXCEPT FOR THE SZEKELY PROPERTY, CONTINUE AND REFER THE SZEKELY PROPOSAL TO THE UPTOWN PLANNING GROUP FOR REVIEW AND REPORT ON NOVEMBER 10, 1987. Second by Gotch. Passed by the following vote: Wolfsheimer-yea, Cleator-not present, McColl-yea, District 4-vacant, Struiksmas-not present, Gotch-yea, McCarty-yea, Ballesteros-yea, Mayor O'Connor-yea.

ITEM-341: (R-88-131) CONTINUED TO SEPTEMBER 28, 1987

Considering the protests and determining that is in the

public interest to acquire 91.26 acres of Serra Mesa Hillside B for the San Diego Open Space Park Facilities District No. 1, under Resolution of Intention R-268991, adopted August 3, 1987; authorizing the expenditure of not to exceed \$1,100,000 as payment for said property and related costs from Open Space Park District Bond Fund 79104; authorizing the City Manager to accept the deed to said property without further Council action.

(Serra Mesa Community Area. District-5.)

CITY MANAGER REPORT: Serra Mesa Hillside B are priority number 81, in Category D, on the Council's adopted open space retention list. This land, which consists of two parcels, totalling 91.26 acres, is located southerly from Gramercy Drive and Ruffin Road, west of Mission Village Drive. On September 15, 1986, Council approved an acquisition plan on these parcels, along with funds to have them appraised for purposes of acquisition for open space. Further, on June 1, 1987 Council established priorities for the acquisition plan which identified these parcels as the number two priority. This request is for \$1,100,000 to purchase these parcels at fair market value plus funds to cover title, escrow and other miscellaneous costs.

Aud. Cert. 8701025.

FILE LOCATION: STRT OS-18

COUNCIL ACTION: (Tape location: D025-050.)

MOTION BY McCARTY TO CONTINUE TO SEPTEMBER 28, 1987, AT COUNCIL MEMBER STRUIKSMA'S REQUEST FOR HIS PRESENCE. Second by Cleator.

Passed by the following vote: Wolfsheimer-yea, Cleator-yea, McColl-yea, District 4-vacant, Struiksma-not present, Gotch-not present, McCarty-yea, Ballesteros-not present, Mayor O'Connor-yea.

ITEM-342: (R-88-123) ADOPTED AS RESOLUTION R-269313

Considering the protests and determining that it is in the public interest to acquire 10.25 acres of Mission Valley Hillside B and C for the San Diego Open Space Park Facilities District No. 1 under Resolution of Intention R-268992, adopted August 3, 1987; authorizing the expenditure of an amount not to exceed \$325,000 as payment for said property and related costs from Open Space Park District Bond Fund 79104; authorizing the City Manager to accept the deed to said property without further Council action.

(Uptown Community Area. District-2.)

CITY MANAGER REPORT: Mission Valley Hillside B and C are priority number 37, in Category B, on the Council's adopted open space retention list. This land, which consists of thirteen

parcels, totalling 10.25 acres, is located east of Highway 163 between I-8 and Washington Street. On September 15, 1986, Council approved an acquisition plan on these parcels, along with funds to have them appraised for purposes of acquisition for open space. Further, on June 1, 1987 Council established priorities for the acquisition plan which identified these parcels as the number one priority. This request is for \$325,000 to purchase these parcels at fair market value plus funds to cover title, escrow and other miscellaneous costs.

Aud. Cert. 8701027.

FILE LOCATION: STRT OS-21

COUNCIL ACTION: (Tape location: E135-155.)

Hearing began 2:58 p.m. and halted 3:00 p.m.

MOTION BY CLEATOR TO ADOPT. Second by McColl. Passed by the following vote: Wolfsheimer-yea, Cleator-yea, McColl-yea, District 4-vacant, Struiksma-not present, Gotch-not present, McCarty-yea, Ballesteros-yea, Mayor O'Connor-yea.

ITEM-343: (R-88-125) ADOPTED AS RESOLUTION R-269314

Considering the protests and determining that it is in the public interest to acquire 606.75 acres of Mission Trails Regional Park - West Fortuna Mountain No. 1 for the San Diego Open Space Park Facilities District No. 1 under Resolution of Intention R-268993, adopted on August 3, 1987; authorizing the expenditure of an amount not to exceed \$7,850,000 as payment for said property and related costs from Open Space Park District Bond Fund 79104; authorizing the City Manager to accept the deed to said property without further Council action.

(Mission Trails Regional Park Community Area. District-7.)

CITY MANAGER REPORT: Mission Trails Regional Park is priority number 2, in Category A, on the Council's adopted open space retention list. This land, which consists of portions of six parcels, totalling 606.75 acres, is located east of Tierrasanta, between Clairemont Mesa Boulevard and the future SR 52. It is owned by the U.S. Navy and its acquisition will require Congressional action. On September 15, 1986, Council approved an acquisition plan on these parcels, along with funds to have them appraised for purposes of acquisition for open space. Further, on June 1, 1987 Council established priorities for the acquisition plan which identified these parcels as the number four priority. This request is for \$7,850,000 to purchase these parcels at fair market value plus funds to cover title, escrow and other miscellaneous costs.

Aud. Cert. 8701024.

FILE LOCATION: STRT OS-4

COUNCIL ACTION: (Tape location: E159-230.)

Hearing began 3:00 p.m. and halted 3:06 p.m.

MOTION BY McCARTY TO ADOPT. Second by McColl. Passed by the following vote: Wolfsheimer-yea, Cleator-yea, McColl-yea, District 4-vacant, Struiksma-not present, Gotch-not present, McCarty-yea, Ballesteros-yea, Mayor O'Connor-yea.

ITEM-344: (R-88-129) ADOPTED AS RESOLUTION R-269315

Considering the protests and determining that it is in the public interest to acquire 12.76 acres of Mission Trails Regional Park - West Fortuna Mountain No. 2 for the San Diego Open Space Park Facilities District No. 1, under Resolution of Intention R-268994, adopted on August 3, 1987; authorizing the expenditure of an amount not to exceed \$350,000 as payment for said property and related costs from Open Space Park District Bond Fund 79104; authorizing the City Manager to accept the deed to said property without further Council action.

(Mission Trails Regional Park Community Area. District-7.)

CITY MANAGER REPORT: Mission Trails Regional Park is priority number 2, in Category A, on the Council's adopted open space retention list. This land, which consists of one parcel, totalling 12.76 acres, is located east of Tierrasanta, halfway between Clairemont Mesa Boulevard and the future SR 52. It is currently owned by the San Diego Unified School District and has been on the District's "Proposed Exchange/Sell" list. On September 15, 1986, Council approved an acquisition plan on these parcels, along with funds to have them appraised for purposes of acquisition for open space. Further, on June 1, 1987 Council established priorities for the acquisition plan which identified these parcels as the number seven priority. This request is for \$350,000 to purchase these parcels at fair market value plus funds to cover title, escrow and other miscellaneous costs.

Aud. Cert. 8701023.

FILE LOCATION: STRT OS-4

COUNCIL ACTION: (Tape location: E159-230.)

Hearing began 3:00 p.m. and halted 3:06 p.m.

MOTION BY McCARTY TO ADOPT. Second by McColl. Passed by the following vote: Wolfsheimer-yea, Cleator-yea, McColl-yea, District 4-vacant, Struiksma-not present, Gotch-not present, McCarty-yea, Ballesteros-yea, Mayor O'Connor-yea.

ITEM-345: (R-88-1235) ADOPTED AS RESOLUTION R-269316, DENY
APPEAL GRANT PERMIT

19870922

Appeal of Southeast Development Committee, by Karla Holford, from the decision of the Board of Zoning Appeals in approving Conditional Use Permit CUP-19572, proposing to operate a Residential Care Facility for a maximum of 12 persons, where use is permitted by Conditional Use Permit only. The subject property is located at 1140 Beverly Street, in Zone R1-6000, in the Southeast San Diego Community Plan area, and is further described as Lot 16, Block 9, Beverly Subdivision, Map-1129.

(CUP-19572. District-4.)

Adoption of a Resolution granting the appeal and denying the permit or denying the appeal and granting the permit with appropriate findings to support Council action.

FILE LOCATION: ZONE Zoning Appeals case C-19572

COUNCIL ACTION: (Tape location: E245-698.)

Hearing began 3:07 p.m. and halted 3:29 p.m.

Testimony in favor of the appeal by Reynaldo Pisano and Tim Holford.

Testimony in opposition by Neil Moyer, Connie Gosham, Reverend Manley, Johnnie Colvin.

Council Member Gotch entered 3:19 p.m.

Testimony in opposition by Ernest Brooks, Willard Miller, and John Cobar.

MOTION BY McCARTY TO DENY THE APPEAL AND GRANT THE PERMIT. Second by Wolfsheimer. Passed by the following vote: Wolfsheimer-yea, Cleator-not present, McColl-yea, District 4-vacant, Struiksma-not present, Gotch-yea, McCarty-yea, Ballesteros-yea, Mayor O'Connor-yea.

ITEM-346: (R-88-470) ADOPTED AS RESOLUTION R-269317

Consenting to a joint public hearing on the proposed Fifth Amendment to the Redevelopment Plan for the Marina Redevelopment Project; authorizing the establishment of a date, time and place therefor; authorizing publication and mailing of notice of the joint public hearing.

(See the memorandum from CCDC Executive Vice President dated 9/3/87. Centre City Community Area. District-8.)

: See the Redevelopment Agency Agenda of 9/22/87 for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: F260-290.)

MOTION BY McCOLL TO ADOPT WITH HEARING DATE NOVEMBER 10, 1987,
WITH A WORKSHOP AT 9:00 TO 10:00 PRIOR. Second by McCARTY.

Passed by the following vote: Wolfsheimer-yea, Cleator-not
present, McColl-yea, District 4-vacant, Struiksma-not present,
Gotch-yea, McCarty-yea, Ballesteros-yea, Mayor O'Connor-yea.

ADJOURNMENT:

The meeting was adjourned by Mayor O'Connor at 4:45 p.m. to
meet in Closed Session on a personnel matter.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: G550).